IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL.
APPEAL FROM ORDER NO. 680 OF 2001.
(Old No. 474 of 1986)

New India Assurance Co. ...Appellant.

Versus

Munnu and others ... Respondents.

HON'BLE RAJESH TENDON J.

By the present appeal the appellant has challenged the order dated 29.01.1986 passed by the Tribunal by which the Tribunal has awarded a sum of Rs.1,50,000/- as compensation to the claimants.

Briefly stated the facts are that on 12.10.1980 the deceased Mohtash was coming on his cycle from village Lachara to Mansoor Pur police station to enquire about murder of his brother Rajendra. He was on the correct side of the road and when he reached near Muzaffarnagar Steel Plant, opposite Sir Shadilal Garden the offending Bus No.USC 1951 which was coming at a very fast speed from the same side pushed him from back side and as a result of which the deceased fell down on the road and was crushed under the bus. The deceased was claimed to be young man of very good health and had passed his M.Sc in Physics (/electronics) and had been selected for a job with M/S Raj Laxmi Surgical Industry Ghaziabad Road, Pilakhuwa and a monthly salary of Rs.1000/- and the untimely death had caused misery to the claimants. With these averments the claim of Rs. 1,98,100/- is claimed against the respondents.

The respondent has filed the written statement and has taken the plea that the deceased was not employed in Raj Laxmi Surgical Industry as alleged and it was claimed that the offending bus was being run by the U.P.S.R.T.C. on a fixed rent payable to the respondent No.1 and the vehicle was insured with respondent No.3.

The Tribunal has framed as many as four issues. Issue o.1 to 3 were decided by the Tribunal by holding that the accident

had caused on account of rash and negligent driving.

With regard to the quantum of compensation a finding was recorded that he would have continued uptill the age of 58 years. After giving the benefit of the lump sum payment, the Tribunal has awarded a sum of Rs.1,50,000/- to the claimants towards compensation.

Looking to the career of a young man the sum awarded by the Tribunal is just and proper and, as such, I find no infirmity in the order of the Tribunal. The appeal is liable to be dismissed.

The appeal is dismissed. No order as to costs.

August 17, 2004 (HON'BLE RAJESH TANDON J)

S.S.Negi.